

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number <b>Q67282</b>	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	Filed	
	<b>10/000,362</b>	<b>December 4, 2001</b>	
	First Named Inventor <b>Gerard AUVRAY</b>		
	Art Unit	Examiner	
	<b>2618</b>	<b>Sujatha R. SHARMA</b>	
<p style="text-align: center;">WASHINGTON OFFICE <b>23373</b> CUSTOMER NUMBER</p>			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record.</p> <p>Registration number    <u>28,703</u></p> <p style="text-align: right;"><u>/DJCushing/</u> Signature</p> <p style="text-align: right;"><u>David J. Cushing</u> Typed or printed name</p> <p style="text-align: right;"><u>(202) 293-7060</u> Telephone number</p> <p style="text-align: right;"><u>September 4, 2007</u> Date</p>			

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q67282

Gerard AUVRAY, et al.

Appln. No.: 10/000,362

Group Art Unit: 2618

Confirmation No.: 9785

Examiner: Sujatha R. SHARMA

Filed: December 4, 2001

For: A SYSTEM FOR PROVIDING A MOBILE TELEPHONE SERVICE ON BOARD A  
VEHICLE

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**MAIL STOP AF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated May 3, 2007, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

A final Office action in this application was mailed on October 18, 2006. A Notice of Appeal and Pre-Appeal Brief Request for Review were filed in this case on January 18, 2007. The Notice of Panel Decision mailed February 28, 2007 indicated that the rejection was withdrawn and a new Office action would be issued. A new Office action was mailed on May 3, 2007, but the rejections stated in this Office action are identical to those stated in the final action mailed October 18, 2006, which rejection was withdrawn of panel review in light of the arguments presented in the review request filed January 18, 2007. Since the arguments presented in the review request of January 18, 2007 were persuasive as to the previously stated rejections,

and since the rejections have not changed at all, it would seem that the same arguments will again be persuasive. Accordingly, attention of the Panel is directed to the remarks in their entirety in the Pre-Appeal Request for Review filed January 18, 2007.

To summarize the points previously made:

1. The tracking satellite link in Lidbetter is continuous in some manner, but Lidbetter does not describe that the link is such that it is ready to simply use for the call as soon as a call request is received. Instead, Lidbetter describes that the tracking link has a plurality of channels, which would suggest that in order to use a channel for a call it would be necessary to perform some sort of call set-up process, albeit with a relatively small number of channels.

2. Claims 9-14 recite subject matter clearly contradicted by Lidbetter. Lidbetter explicitly states that the tracking satellite link has plural channels, so it would be impossible to use a channel on the link without some form of selection/allocation process. This precludes anticipation of claims 9 and 11. Lidbetter explicitly states that the tracking link includes plural channels, which is directly contrary to claims 10 and 12 which recite that the link is for a single call.

3. It is not possible for the tracking link to consume substantially no resources in a standby state as recited in claims 13 and 14.

4. There is absolutely no description or other suggestion in Lidbetter of having the link time out and then be automatically reactivated after a time delay.

Pre-Appeal Brief Request for Review  
USSN 10/000,362

In the most recent Office action the examiner attempts to deal with these deficiencies in the prior art by arguing that the present claims are being broadly interpreted, but that does not eliminate these deficiencies for all fo the reasons as already stated.

Respectfully submitted,

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WASHINGTON OFFICE

**23373**

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Date: September 4, 2007